

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

DEMETRIUS BROWN,
Plaintiff,

v.

U.S. JUSTICE DEPARTMENT,
BUREAU OF PRISONS, FCI McKEAN,
WARDEN JOHN J. LAMANNA, REGIONAL,
DIRECTOR D. SCOTT DODRILL, MEDICAL
DIRECTOR NEWTON E. KENDIG, DIRECTOR
HARLEY G. LAPPIN,
Defendants.

Civil Action No. 04-379 E

FILED

SEP 17 2007


NUNC PRO TUNC VERIFICATION

COURT
PENNSYLVANIA

COMES NOW, DEMETRIUS BROWN, herein as Plaintiff, proceeding Pro-Se, hereby moves this Honorable Court, the United States District Court for the Western District of Pennsylvania, Nunc Pro Tunc for submitting Verification of his Affidavit of Facts Objecting to Magistrate Judge's Report and Recommendation.

In Support, Plaintiff affirms that due to Prison Officials time schedule for allowing Notary- Verifications, Plaintiff was not able until such time to make effect, although his intent to do so was there. In any event, verification is timely within 10 days service of the Magistrate Judge's Report and Recommendation. As such, verification should attach onto Plaintiff's affidavit already received. See **attached Verification**.

Respectfully submitted,


Demetrius Brown

Reg. No. 21534-039
FCI RayBrook, P.O. Box 9001
RayBrook, NY. 12977

IX. JURISDICTION

39. The Magistrate Judge's Report lastly confirms that Defendants' Motion to Dismiss or in the alternative for Summary Judgment be granted. Plaintiff objects to this confirmation and would affirm that diligent search has uncovered that this Court is promised to have subject matter jurisdiction under 28 U.S.C. §§1346(g) and 3901. That, Plaintiff's "Third Amended Complaint" along with this jurisdictional statement will grant that futility not be an issue.

CONCLUSION

WHEREFORE, based on the foregoing, Plaintiff requests that the District Court overrule the Magistrate Judge's Report and Recommendation by denying Defendants' Motion to Dismiss and Motion for Summary Judgment and, to grant Plaintiff his right to file proposed "Third Amended Complaint."

I, DEMETRIUS BROWN, hereby affirm and declare under penalty of perjury, that the foregoing is true and correct.

9/11/07
Dated

Demetrius Brown "

Subscribed and sworn to (or affirmed)
before me on this 11th day of
Date

September, 2007.

Place Notary Seal Above

/s/ Michelle Gonyea Michelle Gonyea
Signature of Notary Public

MICHELLE GONYEA
Notary Public, State of New York
No. 01GO6071700
Qualified in Franklin County
My Commission Expires March 25, 2010

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PROOF OF SERVICE

I, DEMETRIUS BROWN, do swear or declare that on this date, September 13th 2007, as required by Fed.R.Civ.P. 5, I have served the enclosed NUNC PRO TUNC VERIFICATION with actual VERIFICATION on each party to the above proceeding or that of party's counsel, and on every person required to be served, by depositing an envelope containing the above documents in FCI RayBrook's internal mail system for mail in the United States, mail properly addressed to each of them and with first-class postage prepaid.

The names and addresses of those served are as follows:

MEGAN E. FARRELL
Assistant U.S. Attorney
Western District of PA

at

700 Grant St, Suite 4000
Pittsburgh, PA. 15219
(412)894-7429
PA ID #76972

I declare under penalty of perjury that the foregoing is true and correct. Executed on 9/13/, 2007.

Demetrius Brown